

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Respondents,

Motion to Withdraw as
Counsel

Dkt. No. 19-MJ-793

-against-

EZHIL S. KAMALDOSS

Defendant.
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BRUCE BARKET, ESQ., an attorney admitted to practice law in the State of New York, declares the following statements to be true under the penalties of perjury:

1. I am a partner at Barket Epstein Kearon Aldea & LoTurco, LLP, and retained to represent Mr. Kamaldoss in the above-entitled action.
2. This affirmation is in support of this firm's motion to be relieved as counsel for Mr. Kamaldoss in connection with this matter.

BACKGROUND

3. This office was retained to represent Mr. Kamaldoss in connection with, inter alia, charges that he possessed and conspired to distribute a controlled substance containing tramadol, in violation of Title 21 U.S.C §841(a)(1). The Complaint also charged that Mr. Kamaldoss knowingly and intentionally conspired to conduct financial transactions in and affecting interstate and foreign commerce, viz. the transfer of funds from India to the United States through the use of foreign and United States financial institutions in violation of Title 21 U.S.C. §§ 963 and 846.

4. Mr. Kamaldoss was present on these, and related charges, on September 12, 2019.

Mr. Kamaldoss has entered a plea of not guilty to the charges contained in the complaint.

5. At arraignment, Mr. Kamaldoss was represented, pursuant to the Criminal Justice Act (“CJA”), by attorney Lance Clarke, Esq., of the law firm Bernstein Clark and Moskowitz.

6. Mr. Kamaldoss subsequently retained our firm, and on September 30, 2019 I filed a Notice of Appearance.

7. Between the time of coming into this case to present there has been a total breakdown of the relationship between myself and Mr. Kamaldoss.

8. Despite my exhaustive attempts to repair the relationship, Mr. Kamaldoss refuses to meet with me, let alone follow my advice.

9. As such, for the reasons discussed below, it is respectfully requested that I be permitted to withdraw from representing Mr. Kamaldoss and henceforth be relieved as counsel in this matter.

ARGUMENT

10. Local Civil Rule 1.4 sets forth the conditions under which counsel may be relieved once a Notice of Appearance is filed in a case.¹

11. In relevant part, Local Civil Rule 1.4 states:

An attorney who has appeared as attorney of record for a party may be relieved ... only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal ... of the case.

¹ Local Criminal Rule 1.2 states: “Attorneys representing defendants in criminal cases shall file a notice of appearance. Once a notice of appearance has been filed, the attorney may not withdraw except upon prior order of the Court pursuant to Local Civil Rule 1.4.”

13. As stated, there is a total breakdown in communication. Mr. Kamaldoss refuses to communicate with me on every level and it is impossible for me to effectively represent a client where there is no communication and no willingness to participate in his defense.

14. It is respectfully submitted that a total breakdown in the attorney-client relationship, which will not improve, qualifies as a “satisfactory reason[] for withdrawal.”

CONCLUSION

For these reasons, it is respectfully requested that the present application to be relieved as counsel be GRANTED.

Dated: October 31, 2019

/s/ Bruce Barket, Esq.
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